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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/660,200

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David E. Mayhew

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11/17/2005

EXAMINER

DANG, KHANH

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ART UNIT

PAPER NUMBER

2111

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/660,200	<b>Applicant(s)</b> MAYHEW ET AL.	
	<b>Examiner</b> Khanh Dang	<b>Art Unit</b> 2111	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☐ Responsive to communication(s) filed on \_\_\_\_.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-9 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-9 is/are rejected.

7) ☐ Claim(s) \_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
       Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
       Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
       a) ☐ All    b) ☐ Some \*    c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____.	6) <input type="checkbox"/> Other: ____.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

Claims 1-9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 1, the term “announce duration” (lines 7-8) is unclear because it is unclear whether the “announce duration” is unrelated to the “announce delay” (lines 5-6). As disclosed in the originally filed specification, the “announce delay” represents the time between the reset and the announce phase, and the “announce duration” represents a duration of the announce phase. In line 8, “;” must be changed to -- . --.

With regard to claims 2 and 3, the term “announce duration” (claim 3) is unclear because it is unclear whether the “announce duration” is unrelated to the “announce delay” (claim 2). As disclosed in the originally filed specification, the “announce delay” represents the time between the reset and the announce phase, and the “announce duration” represents a duration of the announce phase.

With regard to claim 4, the term “announce packet” is unclear because relationship(s) of the “announce packet” and other limitations set forth in claim 4 have not been set forth. In the context of claim 4, the word “announce” does not provide any clarity to the “packet.” In lines 5-6, the phrase “discarding said announce packet; propagating said announce packet” is unclear. The word “discard” means to throw away.

With regard to claim 5, the phrase "said predetermined conditions include comparing candidate master's bit count with announced packet's bit count" is unclear, since "comparing", as disclosed in the originally filed specification, does not result in an immediate "updating" of the UEI (see claim 4, line 4).

With regard to claim 6, the phrase "said predetermined conditions include comparing candidate master's turn pool with announced packet's turn pool" is unclear, since "comparing", as disclosed in the originally filed specification, does not result in an immediate "updating" of the UEI (see claim 4, line 4).

With regard to claim 7, the term "own packet" is unclear because relationship(s) of the "own packet" and other limitations set forth in claim 4 have not been set forth. In the context of claim 4, the word "own" does not provide any clarity to the "packet." In lines 5-6, the phrase "discarding said announce packet; propagating said announce packet" is unclear. The word "discard" means to throw away.

With regard to claim 8, the phrase "said predetermined conditions include comparing candidate master's bit count with own packet's bit count" is unclear, since "comparing", as disclosed in the originally filed specification, does not result in an immediate "updating" of the UEI (see claim 7, line 4).

With regard to claim 9, the phrase "said predetermined conditions include comparing candidate master's turn pool with announced packet's turn pool" is unclear, since "comparing", as disclosed in the originally filed specification, does not result in an immediate "updating" of the UEI (see claim 7, line 4).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 4, 5, 7, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Scheel et al. (Scheel, 6,910,090).

As broadly drafted and as best the Examiner can ascertain from the claim language, claims 4 and 7, after the word “comprising,” do not define any step that differs from Scheel et al.

With regard to claim 4, Scheel discloses a method for selecting a fabric master by a candidate master comprising: receiving an announce packet (the controller node 806 transmits the signal from the controller 806 to the listener node 804. The transmitted signal include the controller node EUI, EUI-64C, as the source EUI; see at least col. 9, lines 14-19); comparing candidate master's EUI with said announce packet's EUI (any node can be a master candidate. Node 804 searches the node 804's memory for the controller node 806 EUI and matches node 804 stored EUI with the EUI of node 806; see at least col. 9, lines 20-27); updating candidate master's EUI with

announce packet's EUI in the event of predetermined conditions (if the received controller EUI does not match, the stored controller EUI will be updated; see at least column 9, lines 36-46), otherwise discarding said announce packet; propagating said announce packet (see at least col. 9, lines 28-35).

With regard to claim 5, the IEEE defined 64-bit extended unique identifier (EUI-64) is a concatenation of the 24-bit company\_id value by the IEEE Registration Authority and a 40-bit extension identifier assigned by the organization with that company\_id assignment. Thus, it is clear that in Scheel, the bit count of (EUI-64) of the candidate master is compared with the bit count (EUI-64) of the announce packet.

With regard to claim 7, Scheel discloses a method for selecting a fabric master by a candidate master comprising: receiving an own packet (the controller node 806 transmits its own signal from the controller 806 to the listener node 804. The transmitted signal include the controller node EUI, EUI-64C, as the source EUI; see at least col. 9, lines 14-19); comparing candidate master's EUI with said own packet's EUI (any node can be a master candidate. Node 804 searches the node 804's memory for the controller node 806 EUI and matches node 804 stored EUI with the EUI of node 806; see at least col. 9, lines 20-27); updating candidate master's EUI with own packet's EUI in the event of predetermined conditions (if the received controller EUI does not match, the stored controller EUI will be updated; see at least column 9, lines 36-46), otherwise discarding said announce packet; propagating said own packet (see at least col. 9, lines 28-35).

With regard to claim 8, the IEEE defined 64-bit extended unique identifier (EUI-64) is a concatenation of the 24-bit company\_id value by the IEEE Registration Authority and a 40-bit extension identifier assigned by the organization with that company\_id assignment. Thus, it is clear that in Scheel, the bit count of (EUI-64) of the candidate master is compared with the bit count (EUI-64) of the own packet.

***Allowable Subject Matter***

Claims 1-3 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 6 and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

US Patent Nos. 6,160,796 to Zou, 6,678,781 to Domon, 6,704,819 to Chrysanthakopoulos, 4, 740,954 to Cotton et al., AS Design Issues, Digging into Advanced Switching Spec, PCI Express and Advanced Switching: Evolutionary Path to Building Next Generation Interconnects, Advanced Switching for the PCI Express Architecture, and Advanced Switching Architecture are cited as relevant art.

Any inquiry concerning this communication should be directed to Khanh Dang at telephone number 571-272-3626.



Khanh Dang  
Primary Examiner